

REMARKS

Reconsideration of this application is requested.

The claims pending for consideration are claims 1-33 and 35-42. Claim 34 has been canceled without prejudice to presentation in a continuing application.

The Examiner's comments regarding the information disclosure statements filed April 18, 2006 and January 11, 2008 have been noted. Copies of the foreign patent and literature references cited with these statements are being filed herewith along with a new disclosure statement and PTO-1449 listing these documents. It is understood from the Examiner's initials in the margins opposite U.S. patent disclosures on the referenced PTO-1449 that the U.S. patent disclosures have been considered. Hence the attached PTO-1449 lists only the accompanying foreign patent and literature references. The Examiner is requested to confirm the prior consideration of the U.S. patent documents listed in the earlier PTO-1449s and if the applicants need to do more, the Examiner is requested to advise.

The definitions of X in claim 1 and claim 2 have been amended to delete the non-elected matter. The claims, as amended, are thought to be free of non-elected subject matter.

The Examiner is requested to reconsider the Section 112, 2nd ¶ rejection of claims 1, 2, 14, 37, 38, 40 and 41 in view of the foregoing amendments to the claims. More specifically, claims 1 and 40 have been amended so as to define Z as comprising a C₁₋₈ alkylene or C₂₋₈ heteroalkylene chain as in claim 2. Additionally, a definition for the "other" groups R²-R⁵ has been added to claims 1 and 40. The added definition is taken from claim 2.

The amendments to claims 1 and 40 should obviate not only the basis for the Examiner's rejection of claims 1 and 40 but also that of claims 2, 14 and 41 as well.

Claims 37 and 38 have also been amended to identify the compound as being according to claim 1.


In view of the amendments made to claims 1, 14, 37, 38 and 40, the Examiner is requested to reconsider and withdraw the Section 112, 2nd ¶ rejection.

The Examiner is also requested to reconsider the Section 112, 1st ¶ rejection of claims 32-35 in view of the amendments to these claims. Claim 34 has been canceled without prejudice while claims 32, 33 and 35 have been amended in a way which is thought to be fully enabled by the applicants' disclosure.

The application, as amended, is thought to be in condition for allowance and such action is requested.

Respectfully submitted,

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